Prepared Remarks by U.S. Attorney Preet Bharara
Seton Hall Law School Commencement Address
Prudential Center
May 27, 2016

Dean Boozang, distinguished faculty, proud parents, family, friends, and graduates.

Congratulations to the class of 2016. You have so much to be proud of and so much to be grateful for. Go ahead and give yourselves another round of applause.

I feel a little bad, honestly, because I did a lot less to earn my Seton Hall law degree than you all did. But I'm not giving it back.

It is an honor to be here, especially in the great state of New Jersey. I grew up here. My parents live here. I am a member of the New Jersey bar, and I began my legal career here. In fact, I started my very first law job as a summer associate at a firm in nearby Roseland exactly 25 years ago.

Now, you are joining a profession – sometimes maligned and often misunderstood – that presents virtually infinite possibilities: infinite possibilities to grow, to learn, to achieve.

There are so many ways, as a lawyer, not just to make a living, but also to make a difference.

On a day like this, the air is thick with expectation – expectation of what kind of mark you graduates will make on our profession, and on the world. But if we are being honest, there is also, inevitably, some trepidation, too. And not just when you think about your student loans. . .

Did I make the right choice? Is this the right career? What if I'm not good in the courtroom? What if I don't like billing in six minute increments? These are all natural worries. FYI, nobody likes billing in six minute increments.

So let me start by offering a mildly radical suggestion.

Promise yourself today that if you are not happy in your first law job – after giving it a genuine chance with genuine effort and a genuinely open mind – move on.

I don't mean to say it won't be hard. Don't quit because it is hard. It will be.

If you don't like your job because of the people or the politics or the hours or the work – YOU CAN LEAVE.

You have worked too hard and invested too much to accept a long sentence in a job you hate. I have seen too many people unhappy in a law job because they stayed too long, because they let inertia overwhelm their free will.

I believe you should grow and mature and learn and derive joy – yes, joy – from your work as a lawyer.

And one reason I can so blithely suggest you quit if you don't like your job is that a J.D. confers more mobility than just about any other professional degree.

If it turns out that you don't like the first conventional legal path you wander down, you can actually double back – and THEN take the path less traveled by.

In fact, here's a newsflash: ultimately, you don't even have to practice law at all, if you don't like it.

Okay, so now at this point, I'm sure some parents are like: what the hell is Preet talking about? We just paid six figures for this education! Whacha mean, don't practice law?

Now, before you start throwing things at me, let me tell a quick story – my own parents actually went through that. Obviously not with me, but with my brother, Vinnie. Yes, Vinnie – somehow I have an Italian brother.

My brother was a trained lawyer but after a time was bitten by the business bug – he felt the pull towards becoming an entrepreneur. And so, he left the law.

His first dot.com business didn't go perfectly, but he recovered.

Then, in 2005, he started another e-commerce venture with his best friend from high school, this time selling – of all things – diapers.

So, basically, my brother went from being a well-paid Wall Street lawyer to selling diapers on the Internet, under the slogan – and this is true – "We're number one. . . in number two."

Ah, you laugh. My brother laughed too. Especially on the day that he sold his diaper company to Amazon for $540 million.

The point is: you can do anything you want with your law degree.

But, notwithstanding all the choices you will ultimately have, I do fervently hope that you keep faith with the law, that you keep on the <u>legal</u> path.

Because there is so much you can learn, so much you can accomplish, so many clients and causes you can champion.

The story about my brother bears on the principal piece of advice I'd like to respectfully offer this morning.

His story is a tale of startling success in part because some people didn't think he could do it. Why? Not because he wasn't smart. Not because he didn't work hard.

It was – at least in part – because some people made lazy assumptions. Oh, you're a lawyer – you can't be skilled at business. You can't be creative. You can't be entrepreneurial. Some people placed him in a convenient box, based on limited information.

It is the kind of thing people do all the time. You do it. We all do it.

It is an age-old bad human habit to put people into convenient boxes – to assume, to label, to stereotype, without actually learning or understanding who the other person is, what makes him tick, what he is capable of.

We put people in tidy little boxes – especially people who are different from us – because it is so easy to do.

People will assume things about others based on random bits of information.

In its mildest form, it can be underestimating someone; in its most insidious form, it can be racism or sexism.

In any form, it is a corrosive habit.

The metaphor itself tells you a lot: Boxes are confining, debilitating, self-fulfilling. It's hard to see the real world from the inside of a box. It's hard to breathe; it's hard to grow.

If you fall into the mode of making lazy assumptions about other people, that will – among other things – have adverse consequences for you as a lawyer.

What do I mean by that? Let me explain it this way:

Much of the time, your most important job as a lawyer is not to TALK; it is to LISTEN.

You want to be a <u>good</u> lawyer? Work on how you speak.

You want to be a <u>great</u> lawyer? Work on how you listen.

You know what is the most important advice we give for conducting an effective direct examination? Listen to your witness. For cross-examination? Listen to your witness.

Learn to exercise, from time to time, your right to remain silent – and listen. It is not just good advice for criminals.

Your job will not just be to learn about the law – but to learn about your CLIENT, what is important to your client. People forget this. Lesser lawyers are always forgetting this.

If you don't listen, you will miss the case-winning fact.

If you don't listen, you will miss the critical negotiation point.

Listen to what the partner asks; listen to what the client wants; listen to what the witness says; listen to what the adversary argues. Listen also for what is NOT being said. Because that can speak volumes, too.

Take the time to truly understand what is motivating your client – Is it money? Is it principle? Is it reputation?

It matters. Because the answer will inform how you should handle the case, how you should handle the negotiation and the resolution. Too many lawyers forget that. Don't be one of them.

Understand also what is truly motivating your adversary – don't make assumptions there either. When you don't endeavor to truly understand the other side, when you make assumptions about their talent or their tolerance for risk, for example, you underestimate them and you fail to do right by your own client.

Much of the practice of law is anticipating – anticipating the arguments others will put forward, the strategies they will employ, and the mistakes they might make.

In your legal battles, you must learn to distinguish between a threat and a bluff; between an opening gambit and a final offer.

Lawyers, maybe more than any other professional, have to understand what is going on in the heads and hearts of other people – whether it is your adversary in a litigation or your negotiating counterpart in a deal.

Great lawyers need to have open minds, searching curiosity, and deep interest in other people.

Great lawyers never underestimate, though they may seek to be underestimated.

The lazy lawyer who makes assumptions about other people, who falls into the trap of putting people into neat little boxes, can never find true success.

Now let me shift gears a little bit. I think there is a more important and insidious consequence of our unfortunate habit of making quick assumptions about people – of our common reluctance in getting to know and understand the other point of view.

It risks making us not only flawed lawyers, but shallow people too. Shallow people who cannot be part of the project of bringing people together, promoting tolerance, and solving our persistent social ills.

A quick personal anecdote is illustrative: Viet Dinh story

Conservative Republican; close friend. DOJ appointee under George W. Bush and John Ashcroft. We have different views. I go to Washington to work for the Senate Judiciary Committee. Early on, I go to lunch with another Democratic staffer. She says, eyeing me warily, "Um, so I heard a crazy rumor." I'm like, what? What could it be? She says, "I heard a rumor

that Viet Dinh is your friend." I say, "Actually that's not true. He is my best friend. And I was best man at his wedding." And she practically RECOILED.

I have thought a lot about that incident. And what it signified. The idea that someone who thinks differently from the way you do cannot even be your friend, much less your close friend.

It tells you that people can not only be put in a box, but boxed out of friendship. Boxed out of being understood. Boxed out of their humanity.

It also tells you a lot about what is wrong with Washington, and perhaps our politics – where so little attempt is made to understand, even while disagreeing with, other points of view.

We interact too little with people who have different views, different backgrounds, different experiences.

To know and understand people who disagree with you and think differently from you is to enrich yourself.

Among other things, it lets you test the truth of your own beliefs – and no belief is worth holding if it is not worth testing. Whatever that belief is.

I think it is sad that people seem increasingly ready to live in their little echo chambers, settling into small societies of like-minded souls – seldom taking the time to test and strengthen the rightness of their beliefs through searching inquiry, vigorous debate, and open dialogue.

We have too much knee-jerk protest and too much unthinking agreement. It often seems we have more lemmings than leaders, more rhetoric than reason.

The unhappy result is increased acrimony and distrust even between people of good faith but with differences of opinion.

Now, believe it or not, the law – in its ideal aspiration – has something to say about this problem. Which is perhaps worth recognizing on a day like this.

Indeed, in this time of antagonism and polarization, this time of headstrong faith that your side is always right and the other side is always wrong, this time of putting so many people in so many ways in so many boxes, the court of law offers a worthwhile ideal.

Because, if you think about it, the search for truth and justice in the courtroom presents an inspiring model. Bear with me here.

In the courtroom, almost uniquely, the quest for truth depends on evidence and on facts; it relies on examination and cross-examination; it abhors assumption and insinuation.

It relies on the right of both sides to present arguments and to challenge arguments.

And it lets both sides do so, without fear of being shouted down or shut down – so long as the presentations are fairly made, with respect and decorum; and so long as they do not make undue appeals to prejudice or fear or emotion.

And at every phase of the trial, members of the jury are admonished repeatedly – to do what? To keep an open mind. Every day the judge reminds the jury to keep an open mind, to remember the presumption of innocence – until all sides have been heard, until all facts have been offered, until all fair arguments have been made.

That is the best way our law has determined to discover truth and to achieve justice.

There is something strikingly special in that – and we should all wonder whether it provides some guidance for the way to search for truth and justice in our society as well.

If society operated that way – with respectful and open-minded debate – we can wonder whether we would have better laws and better policies instead of just bad blood.

You are now the law's most junior practitioners. And there is a lot of faith and hope in all of you. In what you can do. And not only in the boardroom or the conference room or the courtroom – but also in the public square and in public life.

Hope and faith that you can help usher in more tolerance and more understanding. More truth and more justice.

Maybe you can be the kind of leaders we so desperately need.

So yes, don't fall into the trap of putting other people in some convenient box.

On the other side of the coin, you must guard against letting other people doing the same to you, putting you in some box – not only in your legal career specifically, but also in your life generally.

And it will happen.

Examples: You will be put in a box as lawyers. People already make a lot of assumptions about us. We talk too much; we argue too much; we sue too much; we bill too much. We are too litigious, too scorched-earth, too materialistic, too self-interested. That we exalt form over substance; we cause more problems than we solve; and we are prepared to win at any cost.

I sometimes say lawyers are human beings too. But I get worried someone will object--"Assumes a fact not in evidence."

So we have a good amount of work to do to raise up our own reputation as a profession, but it is worth the effort.

At the end of the day, no one can put you in a box except yourself.

The challenge lies within yourself – to defy expectations, to prove naysayers wrong, to beat the odds.

This may be the most common and obvious commencement advice, but it remains golden – don't let anyone tell you who you are. Don't let anyone tell you what you can or cannot do.

Here's a story from more than a century ago:

Once upon a time, there was a young and idealistic man who decided to become a lawyer, but he first had to screw up the courage to tell his dad. His father was a medical doctor and presumably wanted the same career path for his son.

So one day, the young man musters his courage and knocks on the door of his father's study to advise him of this decision. He announces to his father, "I am going to law school."

The father looks up from his desk, surveys his son, and says, "What's the use of that? A lawyer can't be a great man."

Now, notwithstanding this rather harsh commentary, the son went to law school anyway.

That lawyer, it turns out, was Oliver Wendell Holmes, Jr.

As Justice Holmes would himself often recount, he spent much of his life trying to prove his own father wrong, that a lawyer could indeed be a great man.

He did not let anyone – even his father – tell him what he could or could not make of himself.

And don't let anyone tell you that either. Because people will say it still – a lawyer can't be a great man or woman.

But they are wrong. And the proof, beyond a reasonable doubt, is everywhere.

It is often suggested by cynics that one person cannot make much of an impact. But just consider how much power even one lawyer can exert, if one chooses to make a difference and not just a living:

One lawyer, armed with courage and a well-drafted complaint, can reverse a longstanding government abuse or bring a misbehaving industry to its knees.

One lawyer, armed with a searching mind and an obsession for truth, can exonerate an innocent man, falsely charged.

One lawyer, armed with an idea and a vision of justice, can plant the seeds for a long-lasting movement for reform.

And one lawyer – motivated by conscience, guided by principle, and empowered by training – can set an example for a generation of future lawyers.

The potential power of a law degree is, I believe, unmatched in American society.

The power of your degree gives you a degree of power that few possess, fewer know how to use, and fewer still know how to put to good purpose.

People spend their entire lives waiting for the opportunity to do something meaningful, to make a difference in the world. For so many people, too many people, that moment never comes.

Lawyers, simply by virtue of their degree, have that opportunity every single day.

You are lucky – I mean lucky – to be joining their ranks today.

So, go out into the world with an open mind and an open heart, and anything will be possible.

Do your part to create that world of possibility– whether through your professional endeavors or your personal efforts.

Help create a world where no one gets put in a box; where barriers give way to bridges; where glass ceilings give way to open sky.

Anything, truly, is possible. And if you don't believe that, you need look no further than the lucky man speaking to you right now – who came into the world on the far side of the globe, whose first language was not even English.

The son of a father who came from virtually nothing, who was born 76 years ago in a colony still ruled in the name of the King of England, who later absconded to the U.S. with barely pennies in his pocket, with a young wife and an infant son with an unpronounceable name – who, less than forty years later, somehow became the chief federal law enforcement officer in the financial capital of the world and is now improbably speaking before a captive audience of thousands at the Prudential Center.

Now, how a kid like me, named Preetinder Singh Bharara, who hails from Punjab, India, could be up here, at this podium, on this morning, for this occasion, is almost beyond my humble power to process. And yet here I am. Boxes be damned.

If I could do this, anyone can do anything.

Commencement may seem like a natural occasion both to look back and to look forward. But I would rather that you look elsewhere – I would rather that you look inside yourself.

As Ralph Waldo Emerson once said, “What lies behind us and what lies before us are tiny matters compared to what lies within us.”

And so I hope that what lies within all of you – as great lawyers and good citizens – is an inclination towards courage, a bias towards justice, an aversion to apathy, and an appetite for challenge.

It will take all of those qualities – and more – to raise up the reputation of our profession and, perhaps in the process and in a meaningful way, to make a difference in the world.

Thank you and congratulations.